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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/672,331      | 09/26/2003  | Arthur Silverman     | SILVERLINE 3.0-016  | 8416             |

530 7590 11/08/2006  
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EXAMINER

REDMAN, JERRY E

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3634

DATE MAILED: 11/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/672,331

Applicant(s)

SILVERMAN, ARTHUR

Examiner

Jerry Redman

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 10-13, 15, 17-20, 22, 23, 25-27, 29, 30, 32, 33 and 35-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-13, 15, 17-20, 22-23, 25-27, 29-30, 32-33, and 35-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

The drawing dated 9/26/2006 have been approved by the Examiner.

Status of the claims is as follows:

Claims 7-9, 14, 16, 21, 24, 28, 31, and 34 have been cancelled; and

Claims 1-6, 10-13, 15, 17-20, 22-23, 25-27, 29-30, 32-33, and 35-41 are herein addressed below.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 6, 10, 11, 13, 17, 19, 29, 30, 35, 36, 38, and 40-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese patent No. 58210289A to Sowa. Japanese patent No. 58210289A to Sowa discloses a window assembly comprising a window frame (3 which includes 6, 13, 14, 15, and 17), a window sash (4 which includes 5, 7, 8, and 10) constructed to be positioned within the window frame (3 which includes 6, 13, 14, 15, and 17) and capable of moving from a closed position to an open-tilted position and vice versa, a pair of parallel pivot pins (18) on the window sash (4 which includes 5, 7, 8, and 10), a pair of kidney shaped receptacles (16, claim 17 recites these as channels) integrally disposed within the window frame (3 which includes 6, 13, 14, 15, and 17) which accommodate movement of the window sash (4 which includes 5, 7, 8, and 10) from the closed position to the open-tilted position and

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vice versa. Japanese patent No. 58210289A to Sowa further discloses the window sash (4 which includes 5, 7, 8, and 10) cooperating with the window frame (3 which includes 6, 13, 14, 15, and 17) to limit the extend of the open-tilted position (the upstanding wall to the left of the kidney shaped receptacle (16) as shown in Figures 2 and 3 with the upstanding wall acting as a water dam with the top portion of the wall angled 90 degrees for supporting the window sash (4 which includes 5, 7, 8, and 10)).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 12, 18, 29, 33 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese patent No. 58210289A to Sowa in view of Yanessa ('201). All of the elements of the instant invention are discussed in detail except providing the pivot pins to be retractable. Yanessa ('201) discloses a sliding/pivoting sash having pivot pins, which are retractable. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Japanese patent No. 58210289A to Sowa with retractable pins as taught by Yanessa ('201) since retractable pivot pins allows the sash to be easily removed and attached to the window frame.

Claims 4, 15, 20, 22, 23, 25, 26, 32, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese patent No. 58210289A to Sowa in view of Menegazzo ('911). All of the elements of the instant invention are discussed in detail

above except providing a channel extending along a portion of the window frame.


Menegazzo ('911) discloses a window assembly comprising channel guide (16) extending along a window frame and having a kidney shaped receptacle (17) at a pivoting end. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the window assembly of Japanese patent No. 58210289A to Sowa with a channel guide extending along a portion of the frame as taught by Menegazzo ('911) since a channel extending a portion of the window frame allows the window sash to be tilted greater than 90 degrees from the normal.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese patent No. 58210289A to Sowa and Menegazzo as applied to claim 26 above, and further in view of Yanessa ('201). All of the elements of the instant invention are discussed in detail except providing the pivot pins to be retractable. Yanessa ('201) discloses a sliding/pivoting sash having pivot pins, which are retractable. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Japanese patent No. 58210289A to Sowa with retractable pins as taught by Yanessa ('201) since retractable pivot pins allows the sash to be easily removed and attached to the window frame.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Great Britain patent No. 2,064 642 A to Ollis discloses a kidney shaped "integrally" attached pivoting portion similar to that of the applicant's invention.

The applicant's arguments have been considered but are not deemed persuasive. It appears that the applicant's arguments are still more limiting than that of the claims. As discussed in detail above, when two elements are physically attached together, then they are integral with one another. In this particular case, elements 6, 13, 14, and 15 are mounted to elements 3 and 12 via screw (shown in figure 3) and are therefore "integral" with one another. It appears that all of the applicant's arguments are based on the receptacle/slot being "integral" with the frame. Suggestions to overcome the art above would be to be more specific about the location of the receptacles (the frame having opposite side portions and a single receptacle/slot is within each of the opposite side portions).

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 571-272-6835.



Jerry Redman  
Patent Examiner